

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Regular Meeting
April 6, 2004

7:00 p.m.

Meeting Convened. A Regular Meeting of the York County Board of Supervisors was called to order at 7:00 p.m., Tuesday, April 6, 2004, in the Board Room, York Hall, by Chairman Thomas G. Shepperd, Jr.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Sheila S. Noll, Kenneth L. Bowman, James S. Burgett, and Thomas G. Shepperd, Jr.

Also in attendance were James O. McReynolds, County Administrator; J. Mark Carter, Assistant County Administrator; and James E. Barnett, County Attorney.

Invocation. Pastor David T. Hampton, Crooks Memorial United Methodist Church, gave the Invocation.

Pledge of Allegiance to the Flag of the United States of America. Chairman Shepperd led the Pledge of Allegiance.

PRESENTATIONS

INTRODUCTION OF NEW MEMBERS TO YORK COUNTY BOARDS AND COMMISSIONS

Chairman Shepperd welcomed and introduced Diane K. Short as the newest member appointed to the York County Wetlands Board, and presented her with a Boards and Commissions Handbook and York County pin.

ZWEIBRÜCKEN STUDENT EXCHANGE PROGRAM

Ms. Sandy Hespe, Instructional Specialist with the York County School Division, briefly reviewed the activities of the German students since being in the United States and York County as well as activities planned for the rest of their stay. She then introduced the following students and their guest German students:

American Students

Robert Barrett
Nichole Cross
Benjamin Fontana
Stephanie Gambino
Krista Hailey
Michael Harper
Tyler Jamison
Laura Pilati
Manisha Singh
Mae-Lan Winchester

Kristi Fable, Chaperon

Alternate: Eric Singer

German Students

Susanne Schell
Marsha Schmidt
Jennifer Schneckenburger
Anna Schreiber
Anna Gawehns
Fabian Krebs
Meike Frank
Dorothea Schaumburger
Sabrina Faust
Eva-Maria Bruck

Karin Luthe, Chaperon

Ms. Karin Luthe, the German students' chaperone, thanked the Board of Supervisors for supporting the program and allowing the students to share their cultures. She presented Chairman Shepperd with a gift from Zweibrücken and expressed greetings from the Lord Mayor.

Ms. Hespe also thanked the Board for its continued support of the Student Exchange Program.

COMMUNITY CENTER/VICTORY YMCA

Mr. Danny Carroll and Mr. Jeff Schumaker, representing the Victory YMCA, made a presentation on the first year of operation of the Community Center/Victory YMCA and spoke of accomplishments and the Teen Board and Teen Center. They thanked the Board of Supervisors for its support and displayed a video depicting usage of the center.

Chairman Shepperd indicated the center is truly a family environment, and the Board is proud to have it in the County.

Discussion following concerning the future need to expand the center in Tabb and the possibility of building a center in the upper portion of the County.

CITIZENS COMMENT PERIOD

Mr. Joseph T. Emerson, 815 Yorktown Road, expressed his opposition to the Board's proposed reduction in education funding. He spoke of the quality education provided to the children in York County, and he asked the Board to live up to its obligation to provide the School Division with funding according to the formula that has been used for many years. He asked the Board to reconsider its decision to reduce the School Division's portion.

Mr. Joe Haggerty, 403 Timberlake Loop, spoke of the proposed 5 percent raise for the school teachers. He noted that the County has had a great increase in real estate taxes because of the assessment, and the County has a good school system. He spoke of seniors on fixed incomes and the problems they will have paying their taxes with the proposed tax increase.

Mrs. Pam Pouchot, 103 Kimberly Court, noted she had provided each of the Board members with a list of questions several weeks ago, and Mrs. White has helped her with the answers. She suggested that a public forum be held where the citizens can ask questions concerning the budget and receive answers at that time. Mrs. Pouchot then expressed her concerns about the equity of the latest assessment.

Ms. Diane Estano, 208 Church Road, congratulated Mr. Bowman on his election to the Board of Supervisors. She then noted that Russell Bush and she were getting ready to have an Easter Egg Hunt for the children, and she asked the Board members to donate candy for the eggs. Ms. Estano then stated she enjoyed substitute teaching with the handicapped kids, but she only gets 45 dollars a day. She asked why the amount is so low when the assistants do so much work, especially in the special ed classrooms. She then thanked the Board for doing a great job.

Ms. Carol Bauer, 314 Brook Lane, expressed her concerns about decreasing the tax rate. She stated she feels it is shortsighted, and she liked the idea of a rainy day fund. She noted there are people with high assessments, but these same people probably would not take the assessments if they were offered that amount to purchase their property. Ms. Bauer stated there are alternatives for senior citizens. She feels York County is going in the right direction, and Public Safety, new playing fields, and school programs need this funding extra. She then spoke of a comment made by a Board member, stating if she had said something like that in her class, she could lose her job, and she felt an apology would be appropriate.

Robert J. Keynton, 110 Quartermarsh Drive, supported Mr. Burgett's suggestion about having the assessor's office give a briefing on the process used for the assessment to bring to light some of the features of the assessment process that are irritating to people. He then spoke of the inequities in the assessments.

Ms. Susan Faust Griffin, 1321 Moore House Road, voiced her opposition to the large increase in the assessments of real estate properties in York County. She stated many citizens are financially recovering from the hurricane last September. She also noted there are several properties all the same size on the same size of land in the same area, and the assessments differ by as much as \$9,000. Ms. Griffin stated she has options, but there are many seniors who do not, and it is not appropriate to tell them to sell their properties if they cannot afford the taxes.

Mr. John Hartwiger, 200 Marl Ravine Road, spoke of the inequities in the recent assessment, stating the land values are right, but there are disparities in the prices of the homes. He expressed concern about what is being done with the extra funding received from the assessment. The School system is a great system and draws people to the County, but he suggested the Board cut unnecessary expenditures as well. He stated he would like to see the York River project taken out of the budget and paid for separately, noting he feels there is no accountability for the project, and there should be a separate fund to pay it.

Ms. Frances Knight, 367 E. Rochambeau Drive, expressed her opposition to the proposed tower at the end of Roy Lane. She stated it appears there should be a study on growth and put a cap on it. Rochambeau Drive is beginning to look like another Mercury Boulevard.

Meeting Recessed. At 7:54 p.m. Chairman Shepperd declared a short recess.

Meeting Reconvened. At 8:00 p.m. the meeting was reconvened in open session by order of the Chair.

PUBLIC HEARINGS

UTILITY EASEMENT FOR SKIMINO HILLS SEWER PROJECT

Mr. Barnett made a brief presentation explaining proposed Resolution R04-57 to declare the necessity to enter upon and take a permanent utility easement on a parcel in connection with the Skimino Hills sewer project. He noted it was not included as a part of a previous action concerning the Skimino Hills sewer project because the deed had been signed by the wrong person.

Chairman Shepperd then called to order a public hearing on proposed Resolution R04-57 that had been duly advertised as required by law and is entitled as follows:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
AND TAKE A PERMANENT UTILITY EASEMENT ON TAX MAP
PARCEL 2-12-6, OWNED BY THE HEIRS OF LULU BARLOW
JERDEN IN CONNECTION WITH THE SKIMINO HILLS SEWER
PROJECT

There being no one present who wished to speak concerning the subject resolution, Chairman Shepperd closed the public hearing.

Mr. Zaremba then moved the adoption of proposed Resolution R04-57 that reads:

A RESOLUTION DECLARING THE NECESSITY TO ENTER UPON
AND TAKE A PERMANENT UTILITY EASEMENT ON TAX MAP
PARCEL 2-12-6, OWNED BY THE HEIRS OF LULU BARLOW
JERDEN IN CONNECTION WITH THE SKIMINO HILLS SEWER
PROJECT

WHEREAS, it is necessary to obtain certain easements in connection with the Skimino Hills sewer project; and

WHEREAS, for various reasons, the County is not able to obtain from the owners of such property clear title to the interests in real estate necessary, or no agreement has been reached as to the consideration to be paid for the said interests; and

WHEREAS, plats of the interests in real property to be acquired have been prepared by Draper Aden Associates and appraisals of such interests have been prepared; and

WHEREAS, § 15.2-1905 C, Code of Virginia, authorizes the Board to adopt a resolution following a public hearing on the matter declaring its intent to enter and take specified properties, rights-of-way or easements for such purposes as constructing, installing, expanding,

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maintaining, or repairing pipelines, meter boxes, pumps, or any other appurtenances to a sewerage disposal and water system.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of April, 2004, that the Board finds that it is necessary for the protection and preservation of the public health, safety and welfare, and for the timely completion of the Skimino Hills sewer project, for the County, its officers, employees and agents to enter upon and take the interests in real property described below prior to the initiation of condemnation proceedings.

BE IT FURTHER RESOLVED that the interests to be taken, and the compensation and damages, if any, offered by the County for each are the following, which interests are more particularly described on the plats attached to the Report of the County Attorney dated March 10, 2004, and incorporated herein by this reference:

Tax Map No. 2-12-6

A permanent utility easement as shown on a plat entitled "Compiled Plat Showing a Proposed Permanent 20' Utility Easement across the Property of Lulu Barlow Jerden, Bruton Magisterial District, York County, Virginia," dated November 7, 2003, prepared by Draper Aden Associates and designated as a "Proposed 20' Permanent Utility Easement Hereby Conveyed to York County (400 sq. ft.)." Value offered to owner: \$78.00.

BE IT STILL FURTHER RESOLVED that the Chairman of the Board of Supervisors, the County Treasurer, and the County Attorney are hereby authorized and directed, for and on behalf of the County, to execute a certificate to be recorded in the Office of the Clerk of the Circuit Court for York County, certifying the amount set forth above as the fair value, and damages if any, of the interest to be taken, will be paid the owners in accordance with the provisions of State law and upon order of the Court.

BE IT STILL FURTHER RESOLVED that the County Attorney be, and he is hereby, authorized, if necessary and appropriate, at any time following the date of this Resolution, to institute condemnation proceedings in the name of the Board of Supervisors to acquire title to the interests in the property described above, including, if necessary, any other easements or restrictions that may affect the easement sought to be acquired, and to do all things necessary as a prerequisite thereto.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd
Nay: (0)

CONVEYANCE OF EASEMENT

Mr. Barnett made a presentation on proposed Resolution R04-47 to authorize the execution of a deed conveying to Dominion Virginia Power an easement for the location and operation of telephone services equipment on County-owned property at 2998 Dandy Loop Road.

Mr. Bowman asked if this was to replace something that was already there or was it a new installation.

Mr. John Hudgins, Director of Environmental and Development Services, stated Verizon needed a place to put its unit. It is part of the utility company's equipment.

Mr. Bowman asked if it was a replacement due to the hurricane.

Mr. Hudgins indicated he believed it was.

Chairman Shepperd then called to order a public hearing on proposed Resolution R04-47 that was duly advertised as required by law and is entitled:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR
TO EXECUTE A DEED CONVEYING TO DOMINION VIRGINIA

POWER A 10' BY 10' EASEMENT FOR THE LOCATION AND OPERATION OF TELEPHONE SERVICES EQUIPMENT ON COUNTY-OWNED PROPERTY AT 2008 DANDY LOOP ROAD

There being no one present who wished to speak concerning the subject resolution, Chairman Shepperd closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R04-47 that reads:

A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE A DEED CONVEYING TO DOMINION VIRGINIA POWER A 10' BY 10' EASEMENT FOR THE LOCATION AND OPERATION OF TELEPHONE SERVICES EQUIPMENT ON COUNTY-OWNED PROPERTY AT 2008 DANDY LOOP ROAD

WHEREAS, Dominion Virginia Power desires to improve telephone service in the Dandy section of York County, and in order to do so has proposed locating a communications equipment cabinet on property located at 2008 Dandy Loop Road, and being York County Tax Map Parcel 20-02 (GPIN U10A-0683-2837), and in connection therewith has requested the conveyance of a 10' x 10' easement as shown on a certain plat entitled "Exhibit 'A' Plat Showing Proposed Verizon Easement from the County of York, Virginia" dated December 10, 2003, made by AES Consulting Engineers, a copy of which is attached to the report of the County Attorney dated March 5, 2004; and

WHEREAS, following a duly advertised hearing, this Board has determined that it is in the public interest to convey such an easement.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of April, 2004, that the County Administrator is authorized to execute a deed of easement conveying to Dominion Virginia Power a 10' x 10' easement as shown on the above-referenced plat, such deed of easement to be approved as to form by the County Attorney.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd
Nay: (0)

APPLICATION NO. ZM-82-04 (CONDITIONAL), SEAFORD SCALLOP COMPANY, INC.

Mr. Carter briefed the Board on Application No. ZM-82-04 to reclassify property located at 413 Shirley Road from rural residential to water-oriented commercial/industrial, subject to conditions voluntarily proffered by the property owner.

Mr. Burgett asked if there will be plantings in the buffer.

Mr. Carter indicated there would be plantings in the buffer.

Mr. Burgett asked why there was a need for a fence if there would be plantings.

Mr. Carter indicated it was not required; the applicant proffered the fence.

Mr. Bowman asked if any dredging was forecasted to extend the pier.

Mr. Carter indicated the applicant has some plans for dredging, but he was not sure of the exact location.

Mr. Zaremba asked what enforcement the County has for the 26 land use proffers.

Mr. Carter stated the land uses the applicant has excluded become part of the zoning requirements for the property. If this owner or a future owner wants to build a campground, for example, the County would not entertain a site plan for that use. He indicated things such as lighting levels would be reviewed at site plan stage. With regard to enforcement of the number of

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employees, Mr. Carter stated it would be difficult, and staff would depend on residents along Shirley Road to inform the County if there was a reason to think the applicant had more employees. He stated the County could subpoena employment records if necessary.

Chairman Shepperd then called to order a public hearing on Application No. ZM-82-04 that was duly advertised as required by law. Proposed Ordinance No. 04-5 is entitled:

AN ORDINANCE TO RECLASSIFY APPROXIMATELY 1.8 ACRES OF
LAND LOCATED AT 413 SHIRLEY ROAD FROM RR (RURAL RESI-
DENTIAL) TO WCI (WATER-ORIENTED COMMER-
CIAL/INDUSTRIAL)

Mr. Conway Shield, attorney representing the applicant, indicated he was present to answer any questions the Board might have.

Mr. Burgett asked if the owner will put the fence up for security along the transitional buffer.

Mr. Shield indicated the intent is just to be a good neighbor. He stated the applicant does not wish to change the character of the neighborhood.

Mr. Bowman asked if any dredging would be involved.

Mr. Shield stated there were plans for dredging on the landward side, and this will have to go through Virginia regulatory agencies for permits.

Mr. Bowman asked if there was any opposition from any of the residents.

Mr. Shield indicated there was no opposition.

There being no one else present who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mr. Bowman moved the adoption of proposed Ordinance No. 04-5 that reads:

AN ORDINANCE TO RECLASSIFY APPROXIMATELY 1.8 ACRES OF
LAND LOCATED AT 413 SHIRLEY ROAD FROM RR (RURAL RESI-
DENTIAL) TO WCI (WATER-ORIENTED COMMER-
CIAL/INDUSTRIAL)

WHEREAS, Seaford Scallop has submitted Application No. ZM-82-04 (conditional) requesting to amend the York County Zoning Map by reclassifying from RR (Rural Residential) to WCI (Water-oriented Commercial/Industrial) an approximately 1.8-acre portion of a 3.32-acre parcel of land located at 413 Shirley Road (Route 626) and further identified as Assessor's Parcel No. 25-27B, subject to conditions voluntarily proffered by the property owner; and

WHEREAS, said application has been forwarded to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission recommends approval of this application; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing on this application; and

WHEREAS, the Board has carefully considered the public comments and Planning Commission recommendation with respect to this application;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 6th day of April, 2004, that Application No. ZM-82-04 be, and it is hereby, approved to amend the York County Zoning Map by reclassifying an approximately 1.8-acre portion of a 3.32-acre parcel of land located at 413 Shirley Road (Route 626), further identified as Assessor's Parcel No. 25-27B and more fully described as the area designated "PROPOSED ZONING WCI" on the "Concept Plan Showing Proposed Zoning Amendment" prepared by Davis & Associ-

ates, P.C. and dated January 20, 2004, a copy of which shall remain on file in the Planning Division. The property is more fully described and identified as follows:

All that certain lot, piece or parcel of land situate, lying and being in the County of York, Virginia, containing 1.83+ acres, described as follows:

Commencing at an iron pipe found on the northerly right of way line of Shirley Road, State Route 626, and the common boundary corner of the property of Seaford Scallop Co., Inc. and the property of Robert W. Wilson, thence from the point thus established N 77° 08' 13" E, 150.00' (feet) to a point being the point and place of beginning. Thence from the point and place of beginning thus established N 12° 15' 00" W, approximately 423' (feet) to the mean low water mark of Back River, thence in an easterly direction approximately 222' feet along the low water mark of Back Creek to the property of Wells Ice and Cold Storage; thence S 07° 20' 30" E, approximately 439' (feet) to a point on the northerly right of way line of Shirley Road, State Route 626; thence S 77° 08' 13" W, 183.00' (feet) to an iron pipe being the point and place of beginning.

BE IT FURTHER ORDAINED that approval of this application shall be subject to the conditions set forth in the proffer statement titled "Proffer Statement for Change of Zoning," signed by William S. Wells, Jr., and dated February 24, 2004, a copy of which shall remain on file in the Planning Division, and as set forth below:

1. **GENERAL:** The Property shall be developed in substantial conformance with the concept plan ("PLAN"), consisting of 1 sheet, entitled "Concept Plan Showing Proposed Zoning Amendment", dated January 20, 2004 by Davis & Associates, P.C. The County and the OWNER agree that all parcel lines, parcel sizes, public road locations, utility locations, pier extension, mooring piling installation, and dimensions of undeveloped areas shown on the PLAN shall be static to fulfill documented requirements of final engineering and design and/or compliance with local, state, and federal agency regulations including, but not limited to, York County Wetlands Board, VMRC, Army Corps of Engineers, DEQ, VDOT, etc., and compliance with the requirements of the County's development regulations and design standards manual, and zoning ordinance.

Changes consistent with the original intent of the PLAN shall be permitted. Where it is necessary to determine if changes are consistent with the original intent of the PLAN, the same shall be referred to the County Zoning Administrator for determination thereof. However, the zoning line shall follow the proposed dividing property line.

2. **LAND USE:** (a) The OWNER agrees that the PROPERTY shown on the PLAN shall not be used for any of the following purposes:

- 1) Horsekeeping in Conjunction with Residential use.
- 2) Private kennel
- 3) Forestry.
- 4) Home occupation activities with Limited On-Premises Retail Sales, Personal Services or Customer Contact.
- 5) Meeting Halls, Recreational, Social Uses, or Private Clubs Operated by Social, Fraternal, Civic, Public, or Similar Organizations.
- 6) Any Recreational or Social Uses Approved as a Part of a Subdivision or Site Plan and Operated Primarily for Use of Residents or Occupants of Such Development.
- 7) Pre-school, Child Care, Nursery School.
- 8) Place of Worship including Accessory Parochial School, Accessory Day Care, Accessory Cemetery.
- 9) Carnival, Circus, Fair, Festival or Similar Special Event.
- 10) Sale of Seasonal Items such as Christmas Trees, Produce.
- 11) Recycling Collection Point.
- 12) Craft Shows & Sales.
- 13) Flea Markets.
- 14) Temporary Trailers for Business or School Use.
- 15) Campgrounds.
- 16) Marina, Dock, Boating Facility (Private/Club).
- 17) Antiques/Reproductions, Art Gallery.

- 18) Bait, Tackle/Marine Supplies Including Incidental Grocery Sales.
- 19) Freestanding Automatic Teller Machines.
- 20) Hotel & Motel.
- 21) Timeshare Resort.
- 22) Small-Engine Repair (lawn and garden equipment, outboard motors, etc.).
- 23) Manufacture or Assembly of Electronic Instruments, Components, Devices.
- 24) Machine Shops & Fabricators.
- 25) Fish Canning, Curing, Grinding, Smoking.
- 26) Reclamation of Non-Conforming Borrow Pits.

(b) No parcel within the PROPERTY shall be conveyed to any Church or non-profit or charitable organization that has the right under state statutes or Constitution, at the time of said conveyance, to apply for a real estate tax exemption for the property so owned by said Church, non-profit or charitable organization.

3. TRANSPORTATION IMPROVEMENTS: Currently a maximum number of 220 employees are employed at Seaford Scallop Co., Inc. and Wells Ice & Cold Storage. Shirley Road is the only vehicular access to the site. In order to limit the total vehicle trips per day and not further over burden Shirley Road, it is hereby further proffered that a maximum number of 220 employees are to be located at Seaford Scallop Co., Inc. and Wells Ice & Cold Storage. This proffer shall allow no increase in the total number of employees and shall be binding on the total properties owned by Seaford Scallop Co., Inc. and Wells Ice & Cold Storage until such time that Shirley Road is either deemed adequate to handle an increase in vehicle capacities as determined by standards established by the Virginia Department of Transportation or an alternate ingress and egress access is provided to the subject site.
4. ENVIRONMENT: In accordance with the resource protection and management practices stipulated by the Chesapeake Bay Preservation Ordinance, the OWNER shall address site-specific issues upon completion of all environmental and engineering studies.
5. WATER, SEWER, AND UTILITIES: The PROPERTY shall be served by public water and sewer. The size of all utility lines shall be determined as part of final engineering approval. All utility extensions shall be underground.
6. DEVELOPMENT OF PROPERTIES: The PROPERTY shall be accessed from Shirley Road by one gated driveway. The balance of the frontage along Shirley Road shall be landscaped in accordance with the PLAN.

Outdoor lighting on the PROPERTY including accessory structures shall be of such design and location to provide no more than 0.1 foot-candle at the property line.

Outdoor messaging loudspeakers on the PROPERTY including accessory structures shall be prohibited.

7. SIGNS: All signs erected by the OWNER on the Property shall be of the monument type in accordance with county ordinance.
8. LANDSCAPING: Where the property line of the PROPERTY abuts the adjoining residential parcel, also property of Seaford Scallop Co, Inc., the OWNER shall install a 25' wide landscaped transitional buffer with an 8' open slat privacy fence in accordance with the requirements of the York County Zoning Ordinance. All landscaping within the 25' wide transitional buffer shall be maintained at the expense of the OWNER. All landscaping shall be designed to provide noise reduction capabilities to the maximum extent practicable.
9. EXHIBITS AND ILLUSTRATIONS: Concept Plan. These Proffers refer to the PLAN which is being used to illustrate certain proffers, and to show the general parcel configuration. Subject to adjustments for final engineering and to comply with the requirements of the applicable York County Ordinances and Virginia Department of Transportation regulations and standards, development of the PROPERTY shall be in substantial conformance with the PLAN. Except for the PLAN attached to these Proffers, any plan submitted as part of the rezoning application, or as part of the rezoning process, shall be

deemed illustrative only, and such plan shall not be deemed to be proffered. Should there be a conflict between the PLAN and these Proffers, then these Proffers shall govern.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd
Nay: (0)

APPLICATION NO. ZT-83-04, YORK COUNTY BOARD OF SUPERVISORS

Mr. Carter briefed the Board on Application No. ZT-83-04 to revise the YVA-Yorktown Village Activity District regulations to allow the construction of new single-family detached residences, or additions thereto.

Chairman Shepperd called to order a public hearing on Application No. ZT-83-04 that was duly advertised as required by law. Proposed Ordinance No. 04-6 is entitled:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-83-04 TO AMEND THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) TO REVISE SECTION 24.1-327(b) OF THE YVA - YORKTOWN VILLAGE ACTIVITY DISTRICT REGULATIONS TO ALLOW THE CONSTRUCTION OF NEW SINGLE-FAMILY DETACHED RESIDENCES, OR ADDITIONS THERETO, AS A MATTER OF RIGHT AND TO ESTABLISH A PROCEDURE FOR BOARD OF SUPERVISORS' APPROVAL OF ANY SUBDIVISION PROPOSAL IN THE YVA DISTRICT

There being no one present who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mr. Burgett moved the adoption of proposed Ordinance No. 04-6 that reads:

AN ORDINANCE TO APPROVE APPLICATION NO. ZT-83-04 TO AMEND THE YORK COUNTY ZONING ORDINANCE (CHAPTER 24.1, YORK COUNTY CODE) TO REVISE SECTION 24.1-327(b) OF THE YVA - YORKTOWN VILLAGE ACTIVITY DISTRICT REGULATIONS TO ALLOW THE CONSTRUCTION OF NEW SINGLE-FAMILY DETACHED RESIDENCES, OR ADDITIONS THERETO, AS A MATTER OF RIGHT AND TO ESTABLISH A PROCEDURE FOR BOARD OF SUPERVISORS' APPROVAL OF ANY SUBDIVISION PROPOSAL IN THE YVA DISTRICT

WHEREAS, in accordance with Section 24.1-327(b) of the Zoning Ordinance, any new single family detached residential construction or substantial additions in the YVA District are subject to review and approval by the Planning Commission and Board of Supervisors, and minor additions are subject to review by the Board; and

WHEREAS, given the adoption of the Yorktown Historic District and Design Guidelines, such single family construction or additions can be appropriately and adequately reviewed by the Historic Yorktown Design Committee and permitted as a matter of right, subject to compliance with certain minimum setback and yard requirements; and

WHEREAS, in the interest of good zoning practice, the Board of Supervisors has sponsored an application to amend Section 24.1-327(b) to establish such an approval process; and

WHEREAS, said application has been referred to the Planning Commission for review and public hearing in accordance with applicable procedures; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application and has recommended approval; and

WHEREAS, the Board of Supervisors has conducted a duly advertised public hearing on the application and has considered the comments and recommendations received from the public and the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this 6th day of April, 2004, that it does hereby approve Application No. ZT-83-04 to amend section 24.1-327(b) of the York County Zoning Ordinance to establish an approval process for single-family detached dwellings, and additions thereto, in the YVA District that does not require review by the Planning Commission and Board of Supervisors and to establish a requirement for Board of Supervisors' approval of any subdivision proposal within the YVA district, said amendments to read as set forth below. :

BE IT FURTHER ORDAINED that the effective date of said amendments shall be June 1, 2004.

Sec. 24.1-327. YVA-Yorktown village activity district.

(b) *Special procedural requirements.*

- (1) The use of any land or building within the YVA district on the date of the inclusion of such property in the district may either continue to be used for its then existing purpose or may thereafter be changed, but only in accordance with all applicable regulations, to accommodate any of the land uses listed in section 24.1-327(c), any provisions of article VIII, Nonconforming Uses, of this chapter to the contrary notwithstanding.
- (2) Any proposed new use, other than single-family detached dwellings, shall be approved only by the board of supervisors in accordance with the procedures for special use permits in section 24.1-115 of this chapter. Permitted land uses shall be those listed in section 24.1-327(c).
- (3) With the exception of single family detached dwellings, the proposed enlargement or extensions of any use in this district which would result in an increase of less than twenty-five percent (25%) in either total lot coverage or floor area may be authorized, without public hearing, by resolution of the board. Proposed enlargement or expansion of any use, other than a single-family detached dwelling, that would result in an increase of twenty-five percent (25%) or more in either total lot coverage or floor area shall be subject to approval in accordance with the procedures for special use permits.
- (4) Proposed changes in use of land, buildings or structures within the district may be approved by the zoning administrator upon a determination that the proposed new use is similar in type, size, scope and intensity to the previous use and that it is one of permitted uses listed in subsection (c) below. Where, in the opinion of the zoning administrator, such similarities do not exist, the proposal shall be subject to review and approval in accordance with the procedures for special use permits specified in section 24.1-115 of this chapter.
- (5) The construction of new single-family detached dwellings, or the enlargement of existing single-family detached dwellings, shall be permitted as a matter of right provided that the proposed location is not within one of the areas specifically designated for commercial development by the adopted Yorktown Master Plan and that the following setback and dimensional requirements are observed, and provided that all applicable requirements and procedures set out in the Yorktown Historic District Overlay (Section 24.1-377) are observed.

Front Yard	Twenty-five feet (25')
Side Yard	Ten feet (10'), five feet (5') for accessory buildings
Rear Yard	Twenty feet (20'), five feet (5') for accessory buildings
Building Height	Thirty-five feet (35')

- (6) Applications for approval of new single family detached residences, or additions to existing single family detached residences, which do not comply with the above noted minimum dimensional standards shall be referred to the Planning Commission and Board of Supervisors in accordance with the same procedures applicable to requests for special use permits.
- (7) Any proposed subdivision of a lot or parcel in the YVA District shall be referred to the Planning Commission and Board of Supervisors for review and action in accordance with the same procedures applicable to requests for special use permits.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd
Nay: (0)

APPLICATION NO. SE-11-04, KENNETH M. GATELY

Mr. Carter briefed the Board on Application No. SE-11-04 to authorize an exemption to the height regulations to allow a 100-foot height increase for an existing 250-foot communications tower located at 210 Roy Lane.

Mrs. Noll asked if the tower should collapse, would it collapse unto itself rather than on a house.

Mr. Terry Hall, Manager of Emergency Communications, Department of Fire and Life Safety, stated no, it would fall straight over. He stated only three that he knows of have fallen in on themselves. He noted this tower has been built to withstand 120 MPH winds with ice.

Mrs. Noll asked since it is an older tower, are the footings sufficient for the height.

Mr. Hall stated yes, that Gately has increased the size of the foundation to accommodate a higher tower at a later date.

Discussion followed concerning the possibility of the tower falling on a nearby house and making sure all property owners that could be affected by a fallen tower are notified for future applications.

Chairman Shepperd then called to order a public hearing on Application No. SE-11-04 that was duly advertised as required by law. Proposed Resolution R04-55 is entitled:

A RESOLUTION TO APPROVE A REQUEST FOR A SPECIAL EXCEPTION TO THE HEIGHT LIMITATIONS PRESCRIBED FOR THE IL-LIMITED INDUSTRIAL ZONING DISTRICT TO ALLOW CONSTRUCTION OF A 100-FOOT ADDITION TO AN EXISTING 250-FOOT SELF-SUPPORTING COMMUNICATIONS TOWER LOCATED AT 210 ROY LANE

April 6, 2004

There being no one present who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R04-55 that reads:

A RESOLUTION TO APPROVE A REQUEST FOR A SPECIAL EXCEPTION TO THE HEIGHT LIMITATIONS PRESCRIBED FOR THE IL-LIMITED INDUSTRIAL ZONING DISTRICT TO ALLOW CONSTRUCTION OF A 100-FOOT ADDITION TO AN EXISTING 250-FOOT SELF-SUPPORTING COMMUNICATIONS TOWER LOCATED AT 210 ROY LANE

WHEREAS, Application No. SE-11-04 requests a Special Exception, pursuant to Section 24.1-231(b) of the Zoning Ordinance, to authorize an exemption to the height regulations for the IL-Limited Industrial zoning district to allow A 100-foot addition to an existing 250-foot self-supporting communications tower on property located at 210 Roy Lane and further identified as Assessor's Parcel No. 005A-8-2; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments and the staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of April, 2004, that Application No. SE-11-04 be, and it is hereby, approved to authorize a Special Exception to allow construction of a 100-foot addition to an existing self-supporting communications tower on property located at 210 Roy Lane and further identified as Assessor's Parcel No. 005A-8-2, subject to the following conditions:

1. This Special Exception shall authorize the construction of a 100-foot addition to an existing 250-foot self-supporting communications tower on property located at 210 Roy Lane. The resultant tower height shall not exceed 350 feet.
2. Any ground mounted equipment or control buildings shall be depicted on a site plan prepared in accordance with all applicable requirements of the York County Zoning Ordinance and shall comply with all applicable setback and design requirements applicable in the IL-Limited Industrial zoning district.
3. Said tower shall comply with all applicable federal regulatory and permitting requirements.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd
Nay: (0)

APPLICATION NO. SE-12-04, YORK COUNTY BOARD OF SUPERVISORS

Mr. Carter briefed the Board on Application No. SE-12-04 to authorize an exemption to the height regulations to allow a 140-foot self-supporting communications tower with a 12-foot antenna located at the York County Public Safety Building at 301 Goodwin Neck Road.

Chairman Shepperd called to order a public hearing on Application No. SE-12-04 that was duly advertised as required by law. Proposed Resolution R04-56 is entitled:

A RESOLUTION TO APPROVE A REQUEST FOR A SPECIAL EXCEPTION TO THE HEIGHT LIMITATIONS PRESCRIBED FOR THE IL-LIMITED INDUSTRIAL ZONING DISTRICT TO ALLOW CONSTRUCTION OF A 152-FOOT SELF-SUPPORTING COMMUNICATIONS TOWER/ANTENNA AT THE YORK COUNTY EMERGENCY OPERATIONS CENTER LOCATED AT 301 GOODWIN NECK ROAD

There being no one present who wished to speak concerning the subject application, Chairman Shepperd closed the public hearing.

Mrs. Noll moved the adoption of proposed Resolution R04-56 that reads:

A RESOLUTION TO APPROVE A REQUEST FOR A SPECIAL EXCEPTION TO THE HEIGHT LIMITATIONS PRESCRIBED FOR THE IL-LIMITED INDUSTRIAL ZONING DISTRICT TO ALLOW CONSTRUCTION OF A 152-FOOT SELF-SUPPORTING COMMUNICATIONS TOWER/ANTENNA AT THE YORK COUNTY EMERGENCY OPERATIONS CENTER LOCATED AT 301 GOODWIN NECK ROAD

WHEREAS, Application No. SE-12-04 requests a Special Exception, pursuant to Section 24.1-231(b) of the Zoning Ordinance, to authorize an exemption to the height regulations for the IL-Limited Industrial zoning district to allow the installation of a 152-foot self-supporting communications tower/antenna at the York County Emergency Operations Center located at 301 Goodwin Neck Road and further identified as Assessor's Parcel No. 024-62B; and

WHEREAS, the York County Board of Supervisors has conducted a duly advertised public hearing in accordance with applicable procedure; and

WHEREAS, the Board has carefully considered the public comments and the staff recommendations with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of April, 2004, that Application No. SE-12-04 be, and it is hereby, approved to authorize a Special Exception to allow construction of a 152-foot self-supporting communications tower/antenna at the York County Emergency Operations Center located at 301 Goodwin Neck Road and further identified as Assessor's Parcel No. 024-62B, subject to the following conditions:

1. This Special Exception shall authorize the construction of a 152-foot self-supporting communications tower/antenna at the York County Emergency Operations Center located at 301 Goodwin Neck Road.
2. Said tower shall be positioned behind the Public Safety Building generally in accordance with the location depicted on the sketch plan prepared by URS, consulting engineers, and dated February 23, 2004. The exact location of the tower and all pertinent site construction details, including any ground-mounted equipment, shall be depicted on a site plan prepared in accordance with all applicable requirements of the York County Zoning Ordinance.
3. Said tower shall comply with all applicable federal regulatory and permitting requirements.
4. The existing 92-foot communications tower serving the Emergency Operations Center shall be dismantled and removed within six (6) months of the subject tower being completed and becoming operational.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd
Nay: (0)

COUNTY ATTORNEY REPORTS AND REQUESTS

Mr. Barnett had no report to give at this time.

COUNTY ADMINISTRATOR REPORTS AND REQUESTS

Mr. McReynolds reminded the Board of its next regular meeting to be held on April 20. Regarding the communications towers, he added that County staff has very aggressively worked with the industry on this communications system, and has partnered with them to meet their needs as well as the County's. He stated this is one of the reasons the County has been able to keep the cost for the communications system upgrade as low as it is, and he commended the staff.

MATTERS PRESENTED BY THE BOARD

Mr. Zaremba spoke concerning the budget and the tax rate, stating that historically, staff and the School Division put together a draft proposal which was done late in 2003 as to what the revenue and expenditure picture was looking like for the next year. For the last eight years, the budgets have been based on 5-6.5 percent increase in revenues, which has resulted in a quality of life second to none other in Virginia. The Board was surprised this year with a windfall of an 11-12 percent increase in revenue because of the recent real estate assessments to the citizens. Mr. Zaremba stated in his opinion the assessments have gone through the roof, and for a significant number of citizens who pay taxes and live with a small increase in income each year, this is a burden he feels is unconscionable. The major burden on the citizens happens to fall on those who own property which have received increases of 20 to over 100 percent of their assessed value of two years ago. There is still \$9 million over the 2004 budget to spend, and the County will spend \$95 million in 2005 compared to \$86 million in 2004 because the staff of the County and the Schools have done a very good job of convincing the majority of the members of the Board that what they have proposed is important enough to approve the proposed expenditures. Mr. Zaremba stated the Board is looking at reducing the tax rate by 4.25 cents to reduce the burden on some of these taxpayers, but he does not feel it will be solace to many taxpaying citizens. He stated he is very unhappy with the tax rate and budget for 2005, but he is buoyed by the Board's indication that something may be wrong with the assessments, and it has set a course to look at those assessments that have had significant increases. Mr. Zaremba noted if any citizens feel their assessments are way out of line, they have an opportunity to appeal the assessment. He stated the assessments may be validated, but the Board and staff are aware the citizens are dissatisfied.

Mrs. Noll noted she had a blue ribbon on her jacket that she will wear during the month of April in recognition of Child Abuse Prevention Month. She indicated citizens need to be vigilant and help parents to learn how to prevent child abuse and neglect and make sure the children are safe. Mrs. Noll then noted she attended a dedication ceremony today at the Coast Guard station honoring a young man who, under enemy fire, made landings and rescued nine allied soldiers. She noted the importance of role models, and stated that every young seaman who goes through this facility will have one in this young man. Mrs. Noll also spoke concerning the budget, stating that taxes and reassessments are a fact of life. People are human and they make errors, and the Board will address it if errors have been made in the assessments. She agreed with Mr. Zaremba that the citizens have recourse through the Board of Equalization and should make use of it. She stated the Board will reduce the tax rate because the majority of the Board wants to, but what is being put off today will need to be done in the future. She stated she feels this is a band-aid approach because even though the budget has climbed, so have the unfunded mandates. Discretionary funding is very small, and she stated she is disappointed because the County is not able to bring the teachers' salaries up to the median of the scale.

Mr. Bowman stated there has been lots of discussion on the School Budget, and explanations have been given, and line items were justified. He reminded the public that they have five people elected to the School Board as well as a superintendent, and they need to be held accountable as well. The citizens need to contact the School Board members regarding the teachers and the school budget because they are the ones who allocate the funds to the schools. He stated he wanted to make sure the teachers understood that once the Board of Supervisors allocates the 46 percent of the year's funding, it is up to the School Board to allocate it. Mr. Bowman then addressed assessments, stating the value on his home went up from \$119,000 to \$199,000 this year. Waterfront property is very desirable, and after repairs are made to his house, the assessor will revisit, and the property value will be increased. He stated he feels there is an inequity among some properties, but people are buying and paying for these homes and driving up the cost. What is seen in the assessments is pretty close to being accurate, and

he encouraged citizens to take advantage of the appeal process. Mr. Bowman stated he felt the tax rate of 86 cents was a good tax rate, and the new assessments have been progressively steady and provided the County with increased revenue. He stated he still does not feel it needs to go down at this time. The reduction being proposed is a band-aid and will not alleviate the drastic increase in the assessments. If the Board reduces the tax rate this year, there is a good possibility it will be increased in the next two years. He stated the money has to come from somewhere, and it is falling on the localities to provide the necessary funds for needs.

Mr. Burgett thanked the Historical Committee for the fine job in putting on the Zweibrücken student reception. He also thanked Anne Smith and her department for the volunteer picnic which was a wonderful event. Mr. Burgett asked Mr. Barnett to make the scooter ordinance more of a priority, stating Kiln Creek knows it is being developed, but he would like to see some progress on it. He then noted that there would be another groundbreaking ceremony soon for more senior housing. On the budget he stated Mr. Zaremba made some terrific points, and he felt there were a significant number of assessments that were out of line. He stated he had suggested moving the Assessor's Office and taking other action because this is where most of the problem lies. He noted he was encouraged by the relief the Board will be able to pass on from new requirements coming down from Richmond. Mr. Burgett noted that at this time what the Board is doing may be considered small, but lowering the tax rate is all it can do to make adjustments to provide some relief. He then stated he had used the School System to illustrate a point indicating the schools consume most of the County budget, and nothing personal was meant by it other to illustrate the facts. He stated from FY2001 to FY2005 the Board of Supervisors has increased operational funding for the School Board by 20 percent above and beyond what it requested, and this year it is being given \$3.1 million above and beyond last year.

Chairman Shepperd stated that on March 22 the County hosted the Virginia Peninsula Mayors and Chairs meeting, and part of the discussion was about the issues with the SPCA. Up in the northern area of the County the Heritage Humane Society is utilized, but Newport News is getting ready to go to a different process. Also discussed was workforce development, and the vote was not to consolidate the entities on the Peninsula with the Southside. He stated he understands that the executive committee of the Peninsula Alliance for Economic Development would vote for consolidation, and he strenuously voiced his objection to that. The vote was no by the mayors and chairs, and Mayor Frank sent a letter in response. Chairman Shepperd stated he will be hosting a District 5 town meeting on April 28 in the school gym of Tabb Elementary School, and he reviewed the topics to be covered at the meeting. For the last 24 years the Fourth of July Committee has produced the largest single event produced for York County. The theme this year is "It's a Family Affair." He stated the 4th of July is a wonderful event in Yorktown, and he spoke of the other activities that will also take place. Mr. Shepperd also spoke concerning the budget and the assessments, reiterating that there is an appeal process if the citizens don't like their assessments. He noted that in York County the citizens are lucky because many of the teachers are from military families and come here and accept less pay to teach in York County and be with their families. He stated the County needs to be competitive in teacher pay, and the County needs to work on the middle of the scales in order to make the teachers competitive. The 5 percent won't bring them up to the middle, but the extra funding going to the School Division should do that, and it is up to the School Board as to how it allocates the money the Board gives them. Mr. Shepperd stated he did not think a fixed percentage rate for education is right, that the School Board needs to give the Board of Supervisors some justification to work with, and it the Board will support whatever is needed. He stated that in the future the prices are going to go up, and there is a demand to live in York County. The Board has controlled growth through the Comprehensive Plan, and as demand for housing goes up, so will the cost. The Board has no way to protect those on fixed income or the elderly; that has to be done by the state, and it needs to get its taxation program under control.

CONSENT CALENDAR

Chairman Shepperd asked that Item No. 9 regarding the Revenue Sharing Agreement be removed from the Consent Calendar.

Mrs. Noll moved that the Consent Calendar be approved as amended, Item Nos. 7, 8, 10, 11, and 12, respectively.

On roll call the vote was:

April 6, 2004

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd
 Nay: (0)

Thereupon, the following minutes were approved and resolutions adopted:

Item No. 7 APPROVAL OF MINUTES

The following minutes of meetings of the York County Board of Supervisors were approved:

February 17, 2004, Regular Meeting
 February 21, 2004, Adjourned Meeting
 March 2, 2004, Regular Meeting
 March 9, 2004, Adjourned Meeting
 March 11, 2004, Adjourned Meeting

Item No. 8. PURCHASE AUTHORIZATION: Resolution R04-54

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR
 TO EXECUTE CONTRACTS FOR THE CONSTRUCTION OF THE
 SKIMINO HILL SANITARY SEWER PROJECT

WHEREAS, it is the policy of the Board of Supervisors that all procurements of goods and services by the County involving the expenditure of \$30,000 or more be submitted to the Board for its review and approval; and

WHEREAS, the County Administrator has determined that the following procurement is necessary and desirable, that it involves the expenditure of \$30,000 or more, and that all applicable laws, ordinances, and regulations have been complied with;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of April, 2004, that the County Administrator be, and hereby is, authorized to execute procurement arrangements for the following:

Skimino Hills Sanitary Sewer	<u>AMOUNT</u>
	\$2,342,874

Item No. 10. MEINEKE MUFFLER ADDITION: Resolution R04-60

A RESOLUTION TO AUTHORIZE A MINOR ADDITION TO THE
 MEINEKE CAR CARE CENTER, A CONFORMING SPECIAL USE
 LOCATED AT 4601 GEORGE WASHINGTON MEMORIAL HIGH-
 WAY (ROUTE 17)

WHEREAS, the owner of the Meineke Car Care Center located at 4601 George Washington Memorial Highway (Assessor's Parcel No. 029-31-1) has requested authorization to construct a 702-square foot addition to the existing car care facility; and

WHEREAS, the proposed improvements are described in the County Administrator's report to the Board of Supervisors dated March 22, 2004 and the request is being considered by the Board pursuant to the terms of Section 24.1-115(d)(2) of the Zoning Ordinance; and

WHEREAS, the York County Board of Supervisors has determined that there will be no detrimental impact on any adjacent property as a result of the expansion of the facility and that it is consistent with the Comprehensive Plan;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 6th day of April, 2004, that it does hereby authorize the construction of a 702-square foot addition to the Meineke Car Care Center, a conforming special use located at 4601 George Washington Memorial Highway, such addition to be as described in the County Administrator's report to the Board dated March 22, 2004, and to be subject to site plan review and approval.

Item No. 11. YVA APPROVAL: Resolution R04-61

A RESOLUTION TO APPROVE THE REQUEST OF HARVEY E. WEINSTEIN FOR THE CONSTRUCTION OF A PERGOLA OVER THE EXISTING DECK ATTACHED TO THE RESIDENCE LOCATED AT 221 NELSON STREET IN YORKTOWN

WHEREAS, Harvey E. Weinstein has submitted an application requesting permission to construct a pergola/trellis over the existing deck attached to his residence on property located at 221 Nelson Street in Yorktown; and

WHEREAS, pursuant to Section 24.1-327(b)(3) of the York County Zoning Ordinance, such requests may be approved by the Board of Supervisors by resolution; and

WHEREAS, the Board has determined that the location and design of the proposed pergola, as presented in the County Administrator's report to the Board dated March 25, 2004, will be compatible with adjacent properties and structures.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of April, 2004, that the request of Harvey E. Weinstein for the construction of a pergola at his residence at 221 Nelson Street, as described in the County Administrator's report to the Board dated March 25, 2004, be, and it is hereby, approved.

Item No. 12. COMMENDATION OF PUBLIC SAFETY PERSONNEL: Resolutions R04-64 and R04-65

R04-64:

A RESOLUTION TO COMMEND LLOYD KEITH BALLEW, YORK COUNTY DEPARTMENT OF FIRE AND LIFE SAFETY FIRE-FIGHTER (RETIRED), FOR THE SERVICES RENDERED TO THE CITIZENS AND VISITORS OF YORK COUNTY

WHEREAS, Lloyd Keith Ballew began employment with the County of York on February 10, 1975, as a career firefighter; and

WHEREAS, he previously served the County as an active volunteer firefighter since 1971; and

WHEREAS, Firefighter Lloyd Keith Ballew served for years as a senior driver/ pump-operator on "B" Shift, and was loved and respected by the men and women who worked with and learned from him; and

WHEREAS, he was also known for his commitment to the care and upkeep of his assigned fire apparatus; and

WHEREAS, throughout his career, he served the citizens and visitors of York County with distinction and honor, routinely contributing to their safety and prosperity, and upholding the high ideals and standards of the American fire service; and

WHEREAS, Firefighter Lloyd Keith Ballew received a special citation in 1995 for bravery and heroism in saving the lives of others while risking his own life; and

WHEREAS, Firefighter Lloyd Keith Ballew retired on November 20, 2003.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of April, 2004, that Lloyd Keith Ballew be, and he is hereby, commended for his professionalism and devotion to duty in serving the citizens, businesses and visitors of the County for 28 years.

April 6, 2004

BE IT FURTHER RESOLVED that the appreciation of the citizens of York County is hereby extended to Lloyd Keith Ballew for his service and the heartfelt best wishes of this Board are extended to him and his family for a well-deserved abundance of happiness and continued success in their future endeavors.

R04-65:

A RESOLUTION TO COMMEND PATRICK J. MURRAY, YORK COUNTY DEPARTMENT OF FIRE AND LIFE SAFETY CAPTAIN (RETIRED), FOR THE SERVICES RENDERED TO THE CITIZENS AND VISITORS OF YORK COUNTY

WHEREAS, Patrick J. Murray began employment with the County of York on September 20, 1978, as a career firefighter; and

WHEREAS, he progressed in his knowledge and skills as a firefighter and was promoted to captain/station commander on July 11, 1989; and

WHEREAS, Captain Patrick J. Murray served for years as the station commander on "C" Shift, and was loved and respected by the men and women who worked for him; and

WHEREAS, he served several years as the officer responsible for the department's fire hose maintenance and testing; and

WHEREAS, he also frequently served as the acting shift commander on "C" Shift; and

WHEREAS, throughout his career, he served the citizens and visitors of York County with distinction and honor, routinely contributing to their safety and prosperity, and upholding the high ideals and standards of the American fire service; and

WHEREAS, Captain Patrick J. Murray retired on February 1, 2004.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of April, 2004, that Patrick J. Murray be, and he is hereby, commended for his professionalism and devotion to duty in serving the citizens, businesses and visitors of the County for 25 years.

BE IT FURTHER RESOLVED that the appreciation of the citizens of York County is hereby extended to Patrick J. Murray for his service and the heartfelt best wishes of this Board are extended to him and his family for a well-deserved abundance of happiness and continued success in their future endeavors.

Item No. 9. REVENUE SHARING AGREEMENT: Proposed Resolution R04-59. (Removed from the Consent Calendar)

After a brief clarification by staff, Mr. Shepperd moved the adoption of proposed Resolution R04-59 that reads:

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO EXECUTE AN AGREEMENT WITH THE VIRGINIA DEPARTMENT OF TRANSPORTATION FOR THE ADMINISTRATION OF A REVENUE SHARING PROGRAM PROJECT INVOLVING THE INSTALLATION OF A REPLACEMENT CULVERT UNDER ROUTE 171

WHEREAS, the Virginia Department of Transportation (VDOT) has approved Revenue Sharing Program allocations for a project to upgrade the capacity of a culvert under Route 171 serving the drainage outfall from Tabb Lakes; and

WHEREAS, the County has pledged and appropriated matching funds for this project; and

WHEREAS, in accordance with Revenue Sharing Program guidelines, the County may administer and implement eligible projects or may opt for administration and implementation by VDOT; and

WHEREAS, after consultation with VDOT officials, it has been determined that it would be most efficient and expeditious for the County to administer this project.

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 6th day of April, 2004, that the County Administrator be, and he is hereby, authorized to execute such agreement between York County and the Commonwealth of Virginia Department of Transportation as are necessary to provide for the implementation of the above-noted project, said agreement to be approved as to form by the County Attorney.

BE IT FURTHER RESOLVED that Revenue Sharing funds in the total amount of \$170,000 to be received from or reimbursed by the Virginia Department of Transportation for the project be, and hereby are, appropriated in the County Capital Fund.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd
Nay: (0)

NEW BUSINESS

PROPOSED FISCAL YEAR 2005 BUDGET AND TAX RATES FOR 2004

Mrs. Marycarol White, Director of Financial and Management Services, briefed the Board members on the budget documents. Proposed Ordinance No. 04-3(R) has been prepared to impose tax levies upon tangible personal property, upon machinery and tools, upon mobile homes, and upon real estate for the calendar year 2004 with a real estate tax rate of \$.8175 as directed by the Board. Proposed Resolution R04-40(R) would approve the budgets for FY2005 and appropriate funds for the fiscal year.

Mr. Zaremba expressed his concern that he hears the Board has cut the School Board's budget.

Mrs. White noted that if the Board adopts the budget as it is presented, the School Board will be receiving \$400,000 above what it requested.

Mr. Zaremba stated his vote was going to reflect that he is buoyed by the Board's intent to look at the assessments by an independent third party.

Mrs. Noll stated her vote was in the form of a compromise and doesn't mean she fully agrees with what the budget calls for, but she feels it is important that the Board speak with one voice.

Mr. Burgett moved the adoption of proposed Resolution R04-40(R) that reads:

A RESOLUTION TO APPROVE THE BUDGETS AND APPROPRIATE FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2004, AND ENDING JUNE 30, 2005

WHEREAS, the County Administrator has submitted to the York County Board of Supervisors a proposed annual budget for the County for the fiscal year beginning July 1, 2004, and ending June 30, 2005, which has been reviewed by the Board of Supervisors; and

WHEREAS, it is necessary to adopt said budget and appropriate sufficient funds to cover the requirements included therein; and

WHEREAS, the Board of Supervisors, in exercising its independent judgment and in concert with the York County School Board, has considered the school's annual operating budget; and

April 6, 2004

WHEREAS, after considering the availability of local funds, approval of the York County School Board's Fiscal Year 2005 educational budget is based upon funding from the federal government in the amount of \$11,330,514; from the state government in the amount of \$47,711,559; from the local appropriations in the amount of \$34,582,901; and other local revenues in the amount of \$1,094,950;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of April, 2004, that the Fiscal Year 2005 annual budget of the York County School Division for school operations in the amount of \$94,719,924 be, and is hereby, approved subject to and contingent upon the availability of funds as indicated in the preamble hereto.

BE IT FURTHER RESOLVED that the annual budget in the sum of \$3,997,473 for Fiscal Year 2005 be, and is hereby, approved for the operation of food service programs for purposes authorized and approved by the York County School Board subject to and contingent upon the availability of funds.

BE IT STILL FURTHER RESOLVED that the Fiscal Year 2005 Annual Budget for the County of York be, and is hereby, adopted as proposed on this date.

BE IT STILL FURTHER RESOLVED that the following annual appropriations for Fiscal Year 2005 be, and are hereby, made in the General Fund for the following functions:

Functions:

General Administration	1,837,728
Judicial Administration	2,138,326
Public Safety	20,134,795
Environmental & Development Services	3,811,180
Finance & Planning	6,983,842
Education & Educational Services	42,601,783
Human Services	2,308,474
General Services	5,531,820
Community Services	2,604,103
Capital Outlay	4,594,166
Non-Departmental	2,717,800
Total General Fund	<u>95,264,017</u>

BE IT STILL FURTHER RESOLVED that the County Administrator be, and is hereby, authorized to transfer the appropriations included in the General Fund Non-Departmental function for the allocation of the market adjustment and benefits to the personnel services category in the various General Fund functions.

BE IT STILL FURTHER RESOLVED that the appropriation of the transfer of one-half (1/2) of the actual meals tax collections to the Water and Sewer Extension and Stormwater Maintenance Funds be, and is hereby, adjusted in the General Fund to effect the funding for County water, sewer and stormwater projects.

BE IT STILL FURTHER RESOLVED that the appropriation of the transfer of an amount equal to actual revenues received as a result of the three percent (3%) increase in the Transient Occupancy Tax rate to the Tourism Fund be, and is hereby, adjusted in the General Fund to effect the funding for tourism and travel related activities.

BE IT STILL FURTHER RESOLVED that the \$42,601,783 appropriated above from the General Fund for Education and Educational Services, includes \$34,582,901 for the local contribution to the School Division for support of the School operating budget and, of this amount \$33,630,418 is appropriated as a non-categorical appropriation to be allocated among the various school operating categories as the School Board deems necessary and \$952,483 is appropriated to the Operation and Maintenance Category for continuation of the School Grounds Maintenance Agreement, dated June 23, 1992, as adopted by the York County Board of Supervisors and the York County School Board.

BE IT STILL FURTHER RESOLVED that local revenue received directly by the School Operating Fund, estimated to be \$1,094,950 for Fiscal Year 2005 be, and is hereby, appropriated in the School Operating Fund subject to and contingent upon the availability of funds.

BE IT FURTHER RESOLVED that local revenue received directly by the School Food Service Programs, estimated to be \$3,062,473 for Fiscal Year 2005 be, and is hereby, appropriated in the School Food Service Fund subject to and contingent upon the availability of funds.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$600,000 for Fiscal Year 2005 be, and is hereby, made in the Schools Workers' Compensation Fund for the management and operation of the workers' compensation program.

BE IT STILL FURTHER RESOLVED that an annual appropriation in the sum of \$1,100,000 for Fiscal Year 2005 be, and is hereby, made in the School Construction Fund for school capital projects.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$1,097,000 for Fiscal Year 2005 be, and is hereby, made in the Tourism Fund for tourism and travel related activities.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$478,000 for Fiscal Year 2005 be, and is hereby, made in the County Workers' Compensation Fund for the management and operation of the workers' compensation program.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$8,000 for Fiscal Year 2005 be, and is hereby, made in the Law Library.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$5,089,903 for Fiscal Year 2005 be, and is hereby, made in the Virginia Public Assistance Fund for the operation of the York/Poquoson Department of Social Services.

BE IT STILL FURTHER RESOLVED that the annual appropriation of the Virginia Public Assistance Fund be, and is hereby, increased if and when additional federal and/or state funds become available. The County Administrator shall advise the Board of Supervisors in writing of all such actions.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$1,367,571 for Fiscal Year 2005 be, and is hereby, made in the Children's Services Fund for the operation of the Children's Services, Head Start, Head Start Plus and the United States Department of Agriculture (USDA) Programs.

BE IT STILL FURTHER RESOLVED that the annual appropriations of the Head Start, Head Start Plus and USDA Programs be, and are hereby, increased if and when additional federal and state funds or local contributions become available. The County Administrator shall advise the Board of Supervisors in writing of all such actions. In addition, the County Administrator is, and shall be, authorized on a continuing basis to apply for subsequent grants and aid under the Children's Services, Head Start, Head Start Plus and USDA Programs and to do all things necessary to implement said grants.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$8,518,940 for Fiscal Year 2005 be, and is hereby, made in the Yorktown Capital Improvements Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$3,049,000 for Fiscal Year 2005 be, and is hereby, made in the County Capital Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$928,685 for Fiscal Year 2005 be, and is hereby, made in the Fire and Rescue Debt Service Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$5,888,570 for Fiscal Year 2005 be, and is hereby, made in the School Debt Service Fund.

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BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$437,717 for Fiscal Year 2005 be, and is hereby, made in the Public Facilities Debt Service Fund.

BE IT STILL FURTHER RESOLVED that the annual appropriation in the sum of \$2,371,930 for Fiscal Year 2005 be, and is hereby, made in the Vehicle Maintenance Fund for the operation of the County's vehicle and equipment maintenance program.

BE IT STILL FURTHER RESOLVED that the following appropriations for Fiscal Year 2005 be, and are hereby, made in the Enterprise Funds:

Funds:

Solid Waste Fund	4,430,326
Water Utility Fund	487,777
Sewer Utility Fund	4,963,517
Stormwater Management Fund	308,020
Water and Sewer Extension Fund	4,693,185

BE IT STILL FURTHER RESOLVED that the County Treasurer, upon receipt of a written order from the County Administrator, is authorized to advance monies between the several County funds under her custody provided, however, that the total advanced to any particular fund, plus the amount of monies disbursed from that fund, does not exceed the annual appropriation of said fund.

BE IT STILL FURTHER RESOLVED that, upon receipt of a written request from the York County Library Board, the County Administrator shall be, and is hereby, authorized to do all things necessary to apply for federal and state library aid and in addition, the annual appropriation for library operations be, and is hereby, increased for all funds received under this program in accordance with the recommendations of the York County Library Board.

BE IT STILL FURTHER RESOLVED that, upon receiving notice of grant or program opportunities offered by various local, state, federal and other outside organizations not to exceed \$30,000, the County Administrator or his designee be, and is hereby designated as the agent to execute the necessary grant or program application and other documentation, unless the terms of the grant or program require specific actions by the Board, to give such assurances as may be required by the agreement subject to approval as to form by the County Attorney and to provide such additional information as may be required by the awarding organization. In addition, the funding awarded shall be, and is hereby, appropriated to the applicable functional area.

BE IT STILL FURTHER RESOLVED that interest earned on grant and program awards received from local, state, federal and other outside organizations be, and is hereby, appropriated to the appropriate functional area to be expended in accordance with guidelines as established by the organizations.

BE IT STILL FURTHER RESOLVED that additional funds received as contributions or donations for various County programs be, and are hereby, appropriated in the General Fund for the purposes established by each program.

BE IT STILL FURTHER RESOLVED that funds received for the off-duty employment by deputy sheriffs program be, and hereby are, appropriated in the General Fund to cover the costs of the program.

BE IT STILL FURTHER RESOLVED that funds received from the Virginia Department of Social Services through the Revenue Maximization Program for the enhancement and expansion of human services programs or to develop new initiatives to better meet human services needs within the County be, and are hereby, appropriated in accordance with program guidelines. The County Administrator shall advise the Board of Supervisors in writing of all such actions.

BE IT STILL FURTHER RESOLVED that funds received from the Federal Emergency Management Agency (FEMA) for reimbursements for expenses incurred as a result of unusual and infrequent events not to exceed \$30,000 per incident be, and are hereby, appropriated under this program to the appropriate functional area.

BE IT STILL FURTHER RESOLVED that funds received through insurance claims for damages incurred to County property as a result of unusual and infrequent events not to exceed \$30,000 per incident be, and are hereby, appropriated under this program to the appropriate functional area.

BE IT STILL FURTHER RESOLVED that upon receipt of written notification from the State Compensation Board of additional funds for the Constitutional Officers (Commonwealth's Attorney, Sheriff, Clerk of Court, Treasurer, and Commissioner of the Revenue) not to exceed \$30,000 be, and are hereby, appropriated in the General Fund to be expended in accordance with guidelines as established by the state government.

BE IT STILL FURTHER RESOLVED that the annual contributions that are in excess of \$30,000, which are hereby appropriated, shall be disbursed on a semi-annual basis with the amount disbursed not to exceed one-half of the total appropriation. Contributions to the York County School Board and the York/Poquoson Department of Social Services are exempt from this limitation. All other exceptions must be approved by the Board of Supervisors. In addition, the County Administrator may require written reports on how the previous allocation(s) was/were spent before any future disbursements are made.

BE IT STILL FURTHER RESOLVED that should the Board of Supervisors adopt an ordinance to implement Senate Bill 652 passed by the General Assembly authorizing the collection of a \$2.00 lodging tax for tourism promotion, all monies received through this ordinance be, and are hereby, appropriated to the appropriate functional area.

BE IT STILL FURTHER RESOLVED that the monies be, and are hereby, appropriated for Fiscal Year 2005 in the various funds for the purpose of liquidating encumbered purchase transactions as of June 30, 2004 not to exceed the Reserves for Encumbrances as recorded in the County's audited accounting records. The County Administrator shall advise the Board of Supervisors in writing of all such actions.

BE IT STILL FURTHER RESOLVED that the monies be, and are hereby, appropriated for Fiscal Year 2005 in the various funds for the purpose of continuing capital and special projects as of June 30, 2004 not to exceed the Designation of Subsequent Year's Expenditures as recorded in the County's audited accounting records. The County Administrator shall advise the Board of Supervisors in writing of all such actions.

BE IT STILL FURTHER RESOLVED that the County Administrator be, and is hereby, authorized to transfer funds within appropriation functions. These transfers may be made to allow the disbursement of funds for unanticipated costs incurred in daily County operations and any such transfer may not result in a change in the total appropriated for personnel or non-personnel costs within the function.

BE IT STILL FURTHER RESOLVED that the County Administrator, Director of Financial and Management Services and Chief of Budget and Financial Reporting be, and are hereby, the authorized signers for the General Administration petty cash account available to allow for emergency purchases necessary in daily County operations.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd
Nay: (0)

Mr. Burgett then moved the adoption of proposed Ordinance No. 04-3(R) that reads:

AN ORDINANCE TO IMPOSE TAX LEVIES UPON TANGIBLE PERSONAL PROPERTY, UPON MACHINERY AND TOOLS, UPON MO-

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BILE HOMES, AND UPON REAL ESTATE FOR THE CALENDAR
YEAR 2004, AND TO PRORATE TAXES ON MOBILE HOMES

WHEREAS, it is necessary for the Board of Supervisors to establish real estate and personal property tax levies for the County of York for calendar year 2004 beginning January 1, 2004, and ending December 31, 2004; and

WHEREAS, the Board has duly advertised and held a public hearing on the subject tax levies;

NOW, THEREFORE, BE IT ORDAINED by the York County Board of Supervisors this the 6th day of April, 2004, that the following County tax levies be, and they hereby are, imposed for the calendar year 2004:

<u>Class of Property</u>	<u>Rate Per \$100 of Assessed Valuation</u>
1. Real Estate	.8175
2. Tangible Personal Property	4.00
3. Machinery and Tools	4.00
4. Vehicles without motive power, used or designed to be used as manufactured homes as defined in Section 36-85.3 of the Code of Virginia	.8175
5. Boats or watercraft weighing five tons or more	1.00

BE IT FURTHER ORDAINED that if a mobile home is delivered or moved to York County after January one of any year and used as a place of full-time residence by any person, the Commissioner of the Revenue shall assess and quarterly prorate any property taxes which would have been collectible had such mobile home been situated within York County on January one of that year.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba, Shepperd
Nay: (0)

APPROVAL OF THE FY2005-2010 CAPITAL IMPROVEMENTS PROGRAM

Mrs. White briefed the Board on proposed Resolution R04-39 to adopt the FY2005-2010 Capital Improvements Program as a long-range planning document.

Mrs. Noll moved the adoption of proposed Resolution R04-39 that reads:

A RESOLUTION TO ADOPT THE FISCAL YEAR 2005-2010 CAPI-
TAL IMPROVEMENTS PROGRAM AS A LONG-RANGE PLANNING
DOCUMENT

WHEREAS, in consideration of materials received from the departments and agencies of the County and direction from the Board of Supervisors, the County Administrator has developed a proposed Fiscal Year 2005-2010 Capital Improvements Program; and

WHEREAS, the Capital Improvements Program serves as a long-range planning document subject each year to review and approval of funding by the Board of Supervisors; and

WHEREAS, such review has been completed for the Fiscal Year 2005-2010 Capital Improvements Program;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of April, 2004, that the County Administrator's proposed Fiscal Year 2005-2010 Capital Improvements Program be, and is hereby, adopted by the Board of Supervisors.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd
Nay: (0)

DESIGNATION OF REAL PROPERTY TAX FOR SCHOOL PURPOSES

Mrs. White brief the Board on proposed Resolution R04-38(R) to designate a portion of the real property tax for school purposes.

Mr. Bowman then moved the adoption of proposed Resolution R04-38(R) that reads:

A RESOLUTION TO DESIGNATE A PORTION OF THE REAL PROPERTY TAX FOR SCHOOL PURPOSES

WHEREAS, Public Law 874 enacted by the 81st Congress, and codified in 20 U.S.C. Sections 236 to 241-1 and 242 to 244 (hereinafter "the Act"), provides for federal financial assistance to local educational agencies in areas affected by federal activities; and

WHEREAS, approximately thirty-eight percent (38%) of the land area of York County is controlled by the federal government, which entitles the York County School Division to financial assistance under Section 2 of the Act, as administered pursuant to U. S. Department of Education regulations governing distribution of financial aid authorized by the Act, 34 CFR Part 222, Subpart J; and

WHEREAS, the York County School Division is a fiscally dependent local educational agency under these U. S. Department of Education regulations; and

WHEREAS, 34 CFR Section 222.3, Definitions, provides that for a fiscally dependent local educational agency, the local real property tax rate for school purposes can be defined as "that portion of a local real property tax rate designated by the general government for school purposes"; and

WHEREAS, the York County Board of Supervisors finds it to be in the best interest of the citizens of York County to designate a portion of the local real property tax rate for school purposes in conformance with 34 CFR Section 222.3;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this 6th day of April, 2004, that, for Fiscal Year 2005, a portion of the York County, Virginia, local real property tax rate equal to sixty-two and four tenths cents (\$0.624) per \$100 of valuation be, and is hereby, designated for school purposes as provided in 34 CFR Section 222.3.

On roll call the vote was:

Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd
Nay: (0)

SENTARA BONDS

Mr. James Noel, Director of Economic Development, made a presentation explaining the need for proposed Resolution R04-62 to concur with the issuance by the Economic Development Authority of the City of Norfolk of hospital facility revenue and refunding bonds in an amount not to exceed \$250,000,000 for the benefit of Sentara Healthcare.

Mrs. Noll moved the adoption of proposed Resolution R04-62 that reads:

A RESOLUTION CONCURRING WITH THE ISSUANCE BY THE
ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF NOR-
FOLK OF HOSPITAL FACILITY REVENUE AND REFUNDING
BONDS IN AN AMOUNT NOT TO EXCEED \$250,000,000 FOR
THE BENEFIT OF SENTARA HEALTHCARE

WHEREAS, there has been described to the Industrial Development Authority of York County, Virginia (the Authority), the plans Sentara Healthcare (the Company) and the Economic Development Authority of the City of Norfolk (the Norfolk Authority) with respect to the following plan of finance the issuance of health care facilities revenue bonds in an amount not exceeding \$250,000,000 to assist the Company in undertaking the acquisition, construction and equipping of certain capital expenditures, including (i) a new hospital facility to be located at 600 Gresham Drive in the City of Norfolk adjacent to Sentara Norfolk General Hospital and dedicated to the treatment of cardiac patients, (ii) a new acute care hospital facility at 6601 Mooretown Road in York County, Virginia, to be known as Sentara Williamsburg Regional Medical Center, and (iii) a new patient beds tower at Sentara Virginia Beach General Hospital at 1060 First Colonial Road, Virginia Beach, Virginia, and to pay certain costs of issuance relating to the such bonds; and

WHEREAS, it has been represented to the Board that the above facilities will be owned by the Company, or an affiliate of the Company, and will be located in Virginia Beach, Virginia, Norfolk, Virginia, or York County, Virginia; and

WHEREAS, it has been represented to the Board that a public hearing with respect to the bonds as required by Virginia law and the Internal Revenue Code of 1986, as amended (the Code), was held by the Authority on March 18, 2004, and

WHEREAS, it has been represented to the Board that the Norfolk Authority held a public hearing with respect to the bonds on March 24, 2004, and adopted an approving resolution (the Norfolk Authority Resolution) with respect to the bonds on that date; and

WHEREAS, the Authority has adopted a resolution recommending that the Board of Supervisors of York County, Virginia (the Board), concur with the Norfolk Authority Resolution; and

WHEREAS, Sections 15.2-4905 and 15.2-4906 of the Code of Virginia of 1950, as amended (the Virginia Code), provide that the Board must concur with the adoption of the Norfolk Authority Resolution and approve the issuance of the bonds prior to the issuance of the bonds; and

WHEREAS, the Code provides that the highest elected governmental officials of the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of private activity bonds is located shall approve the issuance of such bonds; and

WHEREAS, a portion of the financed property is to be located in York County, Virginia, and the members of the Board constitute the highest elected governmental officials of York County, Virginia; and

WHEREAS, a copy of the Norfolk Authority Resolution, the Authority's resolution and a statement in the form prescribed by Section 15.2-4907 of the Virginia Code have been filed with the Board.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF YORK COUNTY, VIRGINIA:

1. The Board concurs with the adoption of the Norfolk Authority Resolution and approves the issuance of the bonds described in this resolution by the Norfolk Authority to the extent required by the Code and Sections 15.2-4905 and 15.2-4906 of the Virginia Code.
2. The concurrence with the Norfolk Authority Resolution, and the approval of the issuance of the bonds, as required by the Code and Sections 15.2-4905 and 15.2-4906 of the

Virginia Code, does not constitute an endorsement to a prospective purchaser of the bonds of the creditworthiness of the Company and the bonds shall provide that York County shall not be obligated to pay the bonds or the interest thereon or other costs incident thereto and neither the faith or credit nor the taxing power of the Commonwealth of Virginia or York County shall be pledged thereto.

3. This resolution shall take effect immediately upon its adoption.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd
Nay: (0)

CLOSED MEETING. At 10:07 p.m. Mr. Burgett moved that the meeting be convened in Closed Meeting pursuant to Section 2.2-3711(a)(1) of the Code of Virginia pertaining to appointments to Boards and Commissions; Section 2.2-3711(a)(3) pertaining to the acquisition or disposition of public property to be used for a public purpose.

On roll call the vote was:

Yea: (5) Noll, Bowman, Burgett, Zaremba
Nay: (0)

Meeting Reconvened. At 10:14 p.m. the meeting was reconvened in open session by order of the Chair.

Mr. Burgett moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREE-
DOM OF INFORMATION ACT REGARDING MEETING IN CLOSED
MEETING

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 6th day of April, 2004, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call the vote was:

Yea: (5) Bowman, Burgett, Zaremba, Noll, Shepperd
Nay: (0)

APPOINTMENTS TO THE YORK COUNTY TRANSPORTATION SAFETY COMMISSION

Mrs. Noll moved the adoption of proposed Resolution R04-63 that reads:

A RESOLUTION TO APPOINT TWO MEMBERS TO THE YORK
COUNTY TRANSPORTATION SAFETY COMMISSION

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WHEREAS, Hiram D. Simkins and Penny R. Dennis completed their terms on the York County Transportation Safety Commission on March 31, 2004; and

WHEREAS, both Mr. Simkins and Ms. Dennis wish to be considered for reappointment;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 6th day of April, 2004, that the following individuals be, and they are hereby, appointed to serve on the York County Transportation Safety Commission for a term to begin immediately and expire on March 31, 2007:

Hiram D. Simkins

Penny R. Dennis


On roll call the vote was:

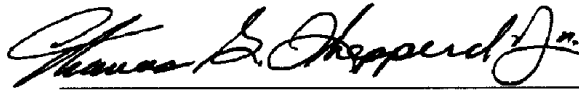
Yea: (5) Burgett, Zaremba, Noll, Bowman, Shepperd
Nay: (0)

Meeting Adjourned. At 10:17 p.m. Mr. Bowman moved that the meeting be adjourned sine die.

On roll call the vote was:

Yea: (5) Zaremba, Noll, Bowman, Burgett, Shepperd
Nay: (0)


James O. McReynolds, Clerk
York County Board of Supervisors


Thomas G. Shepperd, Jr., Chairman
York County Board of Supervisors